IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTIETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO: 19259 of 2003

Between:

P.V.S.S.Srinivasa Rao s/o. P.Seetha Rama Rao
r/o. 19-8-213 C, Upstairs, Hathiramji Colony, Near Chaitanya Bharathi

High School
Bairagipattada, Tirupathi

..... PETITIONER

AND

1 The Executive officer, Tirumala Tirupathi Devasthanam, Tirupathi
2 The Deputy Executive Officer, Tirumala Tirupathi Devasthanam, Tirupathi
3 The Joint Executive Officer, Tirumala Tirupathi Devasthanams, Tirupathi
4 The Secretary, Dharma Prachara Parishat, T.T.Devasthanamas, Tirupati

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, preferably, one in the nature of writ of Mandamus, declaring the proceedings issued by the 1st respondent, vide memo in R.O.C.No.DA4/17191/2001 dt. 07-06-03 rejecting the request of the petitioner, for engaging Defence Assistant during 'Departmental Enquiry' as arbitrary and illegal and consequently be pleased to direct the respondents to give necessary instructions to the concerned officials and to follow the procedures and guidelines prescribed in APCCA Rules 1991, for providing defence Assistant to the petitioner in the Departmental Enquiry proceedings.

Counsel for the Petitioner: MR.S.AGASTYA SHARMA

Counsel for the Respondents: MR.A.K.JAYAPRAKASH RAO

The Court made the following Order:

ORDER:

Questioning the memo of the Executive Officer of the Tirumala Tirupathi Devasthanam dated 07-06-2003 rejecting the request of the petitioner for engaging Defence Assistant during the Departmental Enquiry, this Writ Petition is filed.

2. It is the case of the petitioner that he was appointed as 'Sruthi-Man' initially and later he was promoted as Vocal Artist Grade-I. While so, certain charges have been made against him and a memo of charge dated 12-12-2001, framing certain charges was issued. It is the case of the petitioner that he does not possess any legal knowledge and he is also not well versed with the rules and regulations as well as the legal intricacies and complications as he is an illiterate person. It is stated that he does not know reading and writing English and that he knows only Telugu; therefore he requires an assistant to defend his case. In support of his case, he relied on the instructions issued by the Government Memo No.657/Ser.c/94-4, dated 09-03-1995 governing the assistance to the delinquent official in the departmental enquiry proceedings. It is further stated that the petitioner has sought for assistance of Mr. A. Prakasam who is working in the Agricultural Department as Defence Assistant to present his case.

3. On the other hand, learned standing counsel appearing for the respondents submits that no doubt, T.T.D. adopted the regular procedure and relevant rules and regulations of the Government relating to the departmental enquiries etc., but the said memo only deals with seeking assistance of the retired employees, but whereas the petitioner is working in the T.T.D. and therefore, there cannot be any objection to the petitioner seeking assistance of any retired T.T.D. employee. Even according to the said Government Memo, the petitioner is entitled to seek the services of any retired

employee, but not working. Therefore, I am of the view that the petitioner is entitled to seek the assistance of any retired employee of the T.T.D. during the departmental enquiry.

4. Accordingly, the impugned order rejecting the request of the petitioner for engaging a Defence Assistant is set aside and the respondents are directed to permit the petitioner for engaging a Defence Assistant, of any retired employee from the T.T.D. during the departmental enquiry.

5. The Writ Petition is accordingly allowed.

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(V. ESWARAIAH, J)

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Tuesday, the twentieth day of July two thousand and four.

July 20, 2004

MRR/CHVN

Copy to:

1 The Executive officer, Tirumala Tirupathi Devasthanam, Tirupathi
2 The Deputy Executive Officer, Tirumala Tirupathi Devasthanam, Tirupathi
3 The Joint Executive Officer, Tirumala Tirupathi Devasthanams, Tirupathi
4 The Secretary, Dharma Prachara Parishat, T.T.Devasthanamas, Tirupati

5 Two C.D. Copies.